


Restriction is Improper Under the Unity of Invention Standard

PCT Rule 13.2 asserts that "Unity of Invention exists only where there is a technical relationship among the claimed inventions involving one or more special technical features." *PCT Adm. Instr. Annex B*. The special technical feature is one or more features that distinguishes the claims over the prior art. *Id.*

In this application, the invention of independent claim 1 has the special technical features of (i) a gene transfer vector, (ii) having the YB-1 promoter, (iii) transgene and (iv) two multiple cloning sites. Each of dependent claims 2-10 possesses each of these features, thus under the PCT standard, Unity of Invention clearly exists among claims 1-10.

Therefore, in view of 37 CFR § 1.475(a) requiring that the PCT Rules described above be applied, the restriction requirement is clearly improper and must be withdrawn.

Respectfully submitted,
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